

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10320 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

KIRIT KUMAR C PATEL

Versus

CHAIRMAN

Appearance:

MRS SUMAN KHARE for Petitioners
NOTICE SERVED BY DS for Respondent No. 1
MR SP HASURKAR for Respondent No. 4

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 04/04/2000

ORAL JUDGEMENT :

This petition is filed by the petitioners, who are serving as helpers under the respondents. They are seeking appointment to the post of Plant Attendant Grade--I on the basis that the General Standing Order ("GSO" for brevity) No.315 provides that they should be

considered for the post of Plant Attendant Grade I. Earlier this matter was considered by this Court. A speaking order came to be passed on 24.12.1999, which reads as under :

"Heard the learned advocate Mr.Khare for the petitioners. Lave to add page no.56.1.

The petitioners are the Helpers serving under the respondents. They are seeking appointment to the post of Plant Attendant Grade I. On perusal of the GSO 315 (page no.56 & 57), prima facie it appears that the appointment to the post of Plant Attendant Grade I is made from amongst Plant Attendants Grade II having requisite qualification and experience. Since the petitioners are not Plant Attendants Grade II, prima facie they do not seem to be eligible for appointment to the post of Plant Attendant Grade I. However, Ms.Khare seeks time to ascertain the correct position of the Recruitment Rules. S.O. to 12.1.2000."

Now that GSO 315 dated 10.7.1990 is placed on record. Column (C) thereof dealing with Operation Staff specifically mentions that the appointment to the post of Plant Attendant Grade I is made from amongst Plant Attendant Grade II having requisite qualifications. Since the petitioners are not Plant Attendant Grade II, prima facie they do not seem to be eligible for appointment to the post of Plant Attendant Grade I. However, Ms.Khare seeks to ascertain Recruitment Rules. Thereafter, it is the case of the learned advocate for the petitioners that she has submitted GSO 315 as a whole.

2. Today when the mater is called out, Ms.Khare tried to point out once again Annexure 'D' at pages 56 and 56.1, i.e. forwarding letter and the relevant extract of the GSO, which does not take her case any further. A perusal of the GSO 315 and more particularly that of column 6, if they are read with column no.3 makes it clear that the persons who are working as Plant Attendant Grade II are to be considered for being promoted to the post of Plant Attendant GradeI. Column no.6 reads as under :

Column 6.

t

Minimum qualification : departmental.

PA Gr.I

"DEE. In case of deptt. candidates having 3 years experience after passing 1st class supervisors exam. qualification can be relaxed by the comp. authority."

3. In light of this, the petitioners, who are serving as Helpers cannot have any claim to the post of Plant Attendant Grade I. In view of this the petition is rejected. Notice is discharged. No order as to costs.

4th April 2000 (Ravi R. Tripathi, J.)

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